

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK**

---

**TRAVIS WELCH,**

**Plaintiff,**

**AFFIDAVIT OF SPENCER  
L. ASH, ESQ. IN SUPPORT  
OF DEFENDANTS'  
MOTION IN LIMINE**

**v.**

**Case No. 16-cv-6520**

**CITY OF ROCHESTER, ROCHESTER POLICE  
DEPARTMENT, ROCHESTER POLICE OFFICER  
PATRICK GIANCURSIO, ROCHESTER POLICE  
OFFICER WILLIAM WAGNER, AND  
OTHER UNNAMED OFFICERS**

**Defendants.**

---

SPENCER L. ASH, ESQ., an attorney duly admitted to practice before the courts of the State of New York, hereby makes the following statements under penalty of perjury:

1. On or about January 19, 2018, Plaintiff provided an Exhibit and Witness List containing the following:
  - Medical Records: Unity Health System, January 30, 2016;
  - Medical Records: Strong Memorial Hospital, February 1, 2016 – May 13, 2016;
  - Video – Apprehension of Brian Norford, 2-3-2016, on Lyell Avenue;
  - Video – Apprehension of Alexander Grassies, April 2017(Exhibit Attached).
2. None of the itemized materials were not previously provided to Defendants pursuant to FRCP Rule 26 or Scheduling Orders in this case.
3. Prior the referenced documents inclusion in Plaintiff's Trial Exhibit List, Plaintiff had neither disclosed any of these materials nor the sources of these materials for authentication and examination.
4. Moreover, with respect to the videotape evidence, same allegedly captures unrelated incidents involving nonparties who have neither filed claims nor obtained favorable findings against the named Defendants in this case.

Accordingly, Defendants seek dismissal preclusion of these exhibits.

DATED: January 29, 2018

**BRIAN F. CURRAN**  
**CORPORATION COUNSEL**

s/Spencer L. Ash

---

Spencer L. Ash, Esq., of counsel  
Attorneys for Defendants  
30 Church Street, Room 400A City Hall  
Rochester, NY 14614  
Telephone: (585) 428-6699

TO: Leland T. Williams, Esq.  
*Attorney for Plaintiff*  
95 Allens Creek Road  
Building 1, Suite 107  
Rochester, NY 14618  
(585) 292-1110